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PATENT APPLICATION
10/735,159

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Georg Fischer et al.
Serial No.: 10/735,159
Date Filed: December 12, 2003
Group Art Unit: 2831
Examiner: Ngo, Hung V.
Title: **CONTACTING COMPONENT**

MAIL STOP – APPEAL BRIEF - PATENTS

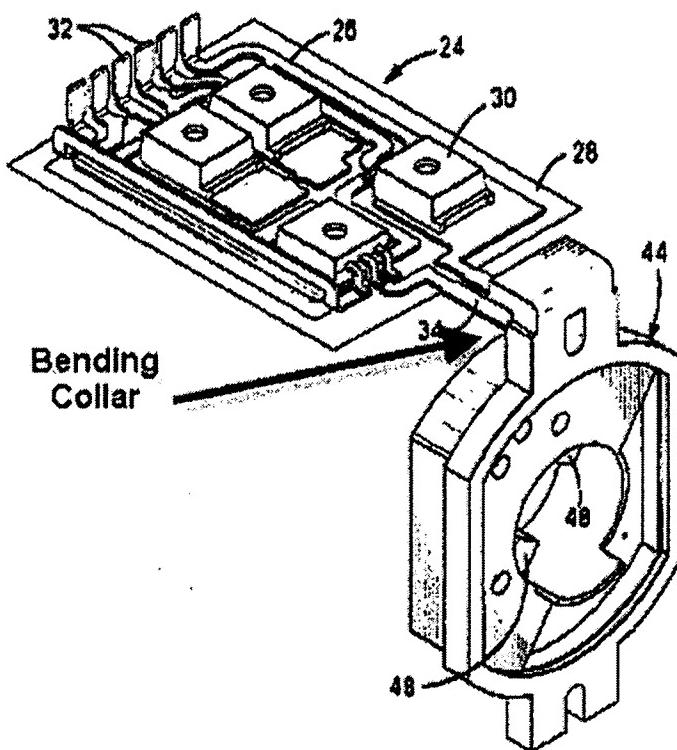
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REPLY BRIEF

In reply to the Examiner's Answer mailed October 10, 2007, Applicants hereby submit this Reply Brief according to §41.41.

Reply to Arguments

The rejection of the claims hangs on the premise that “Janssen et al teach the use of a bending collar (Figs 5, 6). Janssen et al. disclose leads (34, 40) and the bending collar before bending (Fig 5) and Janssen et al. disclose the bending collar and lead (34) after bending Fig 6.” (Examiner’s Answer at 6). In support of this premise, the examiner asserts that a “bending collar” is illustrated in Figure 6 of Janssen et al. (Examiner’s Answer at 7).



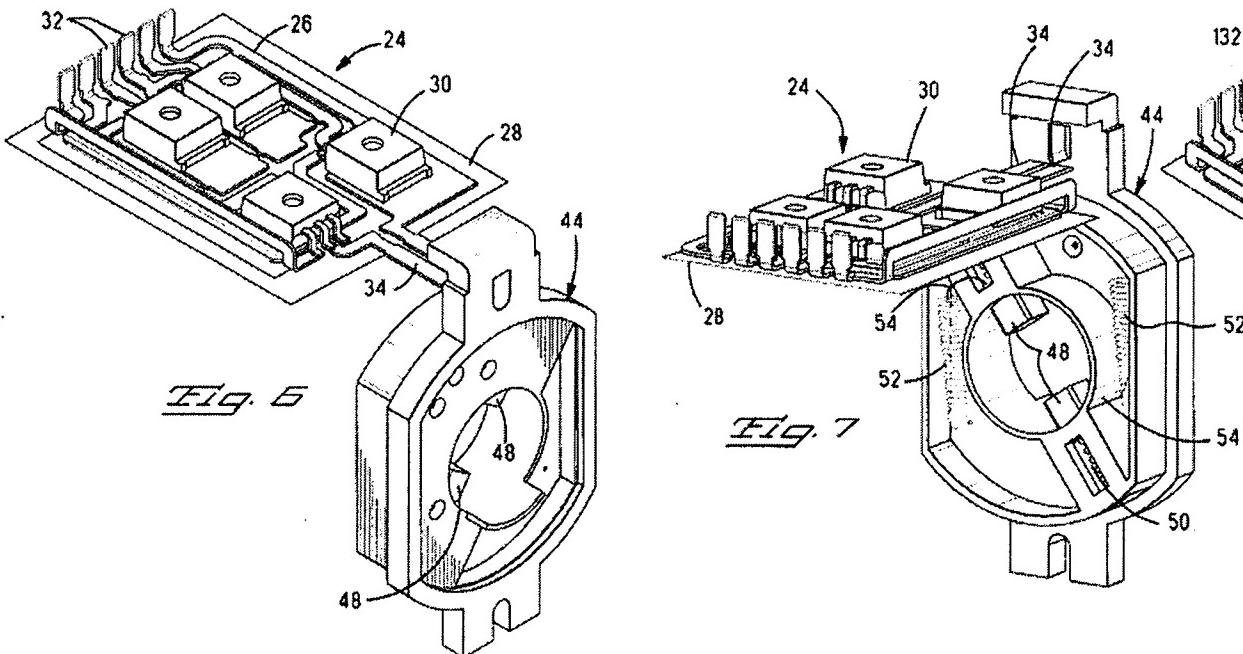
This premise fails, however, because Figure 7 clearly shows that the second contacts 34 do not even contact the alleged “bending collar” such that it cannot be “a bending collar around which the conductor device can be bent,” as recited in Claims 2, 11, 13, and 18. Simply, Janssen et al. does not disclose a bending collar. The premise of the rejection focuses on Figure 6 of Janssen et al. as evidence of an illustrated bending collar, but Figure 6 is only part of the Janssen et al. disclosure and to view Figure 6 by itself is to view the figure out of context. Rather,

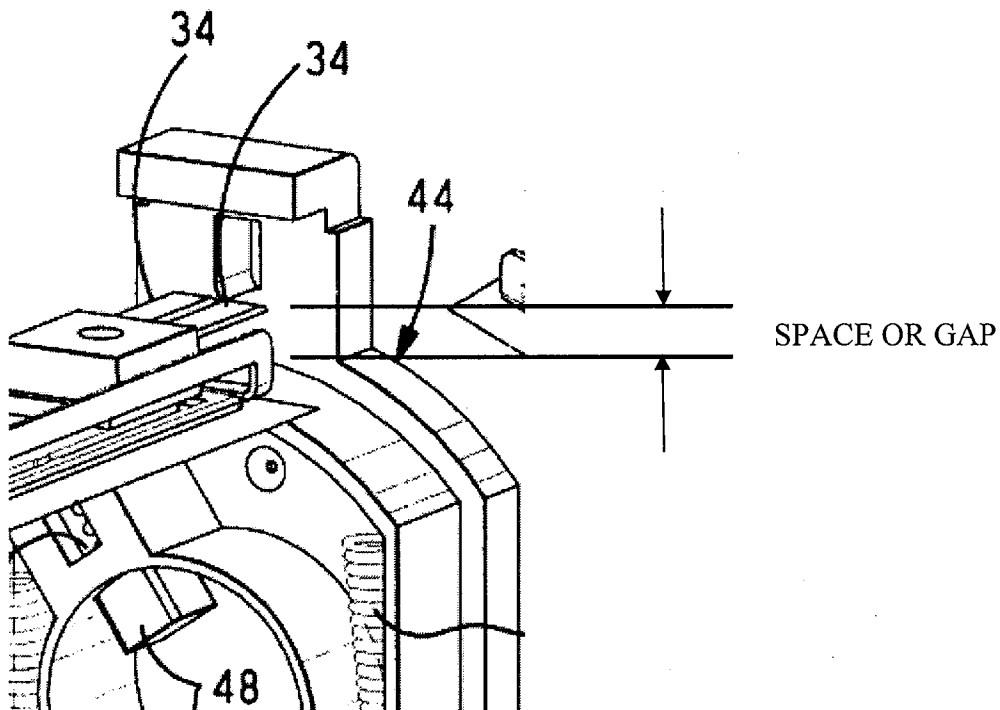
Janssen et al. expressly teaches that Figure 6 must be read together with Figure 7 as the are front and back views of the same assembly in the same configuration.

With reference now to FIGS. 6 and 7, the second contacts have been bent through 90 degrees such that the unit is ready to be installed upon the basic motor by, for example, the motor manufacturer.

(Janssen et al. at 3:31-34) (emphasis added). As shown in both Figure 6 and Figure 7, the second contacts 34 do not bend around any portion of the housing 44. Rather, as clearly seen in Figure 7, the second contacts 34 do not even contact, much less bend around, the portion of the housing 44 that is asserted to be the bending collar in the rejection.

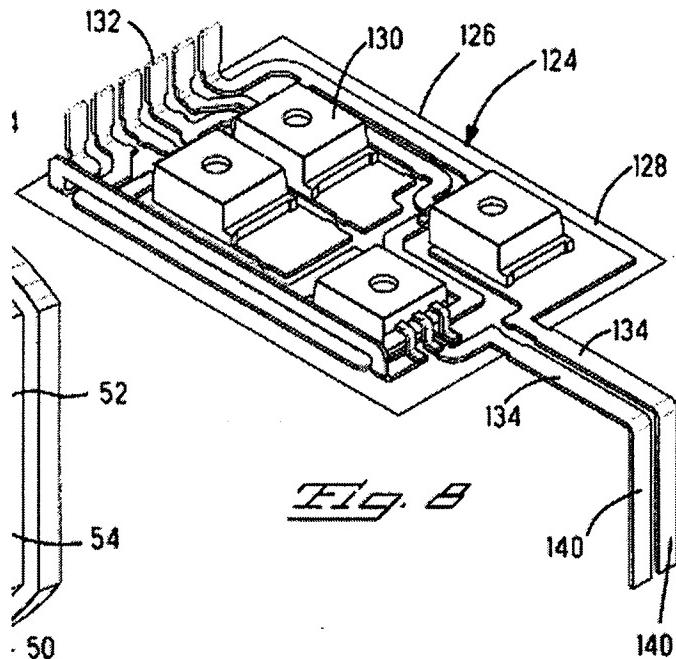
(Janssen et al. at Figure 6 and 7). Figure 7 is the view that most definitely shows that the housing 44 has two portions: (1) the outer portion, which has relatively larger dimensions and is illustrated as comprising the exterior of the forward cover plate 8 in Figure 1; and (2) the inner portion, which has relatively smaller dimensions for being inserted into main body 4 of the motor unit 2 and therefore not shown in Figure 1. As shown in Figure 7, the second contacts 34 extend from the outer portion of the housing 44 at a point that is spaced above the inner portion of the housing 44, so that there is a space or a gap between the inner portion and the second contacts 34.





Therefore, it is simply factually incorrect to suggest that Janssen et al. teaches that the second contacts 34 are bent around the inner portion of the housing 44.

In the Examiner's Answer it is correctly noted "that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art." (Examiner's Answer at 6) (citations omitted). A premise of the rejection is that "the motivation is found in the knowledge available to one or ordinary skill in the art to form a uniform bending and motivation to do so found the references Janssen et al. support the bending leads (Fig 5, 6)." (Examiner's Answer at 6). In response, this premise fails because Janssen et al. fails to teach a uniform bending, much less bending around a bending collar. The fact that Janssen et al. fails to even teach a uniform bending is further illustrated by the embodiment shown in Figure 8.



(Janssen et al. at Figure 8). This embodiment is similar to that shown in Figures 6 and 7.

However, in this embodiment, the second contacts 134 include extensions 140 formed as tabs and disposed in the insertion direction of the assembly 124 into the cavity 22 of the main housing 4 such that upon insertion, the electrical connection would be established with the brushes 48 therein.

(Janssen et al. at 3:44-49). Janssen et al. does not disclose how the second contacts 134 are bent, but as illustrated, they are clearly bent 90 degrees before they are even assembled into a brush housing 44. Because the second contacts 134 are merely bent 90 degrees, there is no suggestion of uniform bending, much less bending around a bending collar. Thus, contrary to the conclusion of obviousness upon which the rejection is based, Janssen et al. taken as a whole fails to provide motivation to a person of skill in the art uniformly bend electrical contacts, much less bend them around a bending collar.

SUMMARY

Applicants believe that the prior art cited do not render the independent claims obvious. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of all Claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTT S L.L.P. (31625)

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